

REMARKS

Allowable claims 5 and 28 have been rewritten in independent form and should now be allowed along with claims 6 to 21 which depend from claim 5 and claims 29 to 38 which depend from claim 28. Claims 42 and 43 have been allowed. Please charge any costs to Deposit Account No. 20-0668.

Claims 1, 4 to 12, 22 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brennen et al. (U.S. 5,329,578) in view of Higuchi et al. (U.S. 2002/0058500) and Chelliah et al. (U.S. 6,711,402).. The rejection is respectfully traversed.

All of the claims except claim 41 require that all of the claimed operations take place at least at the mobile station as opposed to a central or base station as appears to be the case of Brennen et al. This feature permits the subscriber to alter any or all of the claimed features at the mobile station rather than having this function performed at the central or base station and thereby provides the obvious advantages inherent in such capability. In Brennen et al. it is necessary to communicate with the central or base station in order to provide the desired programming whereas the subject invention as claimed allows these functions to be made totally at the mobile station or in combination with the mobile station and another remote location. No such concept is taught or even remotely suggested by Brennen et al. Since not such concept is taught or suggested by Brennen et al., any combination with Brennen et al. that does not teach the operations at the remote station cannot be properly combinable, even were the combination to show that which is claimed, which it does not. There is no teaching or suggestion in any of the references to perform the functions as claimed at the remote station as opposed to the base station.

More specifically, claim 1 requires providing a mobile station and, at the mobile station the step of creating a plurality of message response groups. No such step is taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references either alone or in the combination as claimed.

As previously stated, the patent to Brennen et al. is related to an entirely different matter from that of the subject invention, namely to provide personal communication services wherein the subscriber can tailor the service to provide mobility and incoming message management at the mobile station. The invention relates to call routing as well as advising of the standard functions available in telephones service, namely who is calling, when the call is made and the urgency of the call. The service profile in the data base is for the purpose of implementing these routing functions. Brennen et al. has nothing whatsoever to do with creation of a group of message response and the selecting a particular response or response group based upon identification of the caller at the mobile station. It follows that Brennan et al., Higuchi et al., Chelliah et al. or any proper combination of these references fail to teach or suggest creation of a group of message responses at the mobile station.

Claim 1 further requires, at the mobile station, the step of selecting a message response from the plurality of message response groups, in response to the identity of the calling party; and supplying the selected message response. No such steps are taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references either alone or in the total combination as claimed.

Claims 4, 22 and 23 depend from claim 1 and therefore define patentably over Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references for at least the reasons presented above with reference to claim 1.

Claim 4 further limits claim 1 by requiring that the step of selecting a message response group from the plurality of message response groups include selecting a message response group in response to factors including the time of day, communication activity level, and manual selection. No such step is taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references in the combination as claimed since Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references fail to even teach or suggest message response groups at the mobile station.

Claim 22 further limits claim 1 by requiring providing Caller ID services and the step of identifying the calling party includes using the Caller ID service to identify the calling party. No such steps are taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references either alone or in the combination claimed at the mobile station for reasons stated above.

Claim 23 further limits claim 1 by requiring that the step of identifying a calling party include determining a calling party identity from factors including the complete phone number, area code, unknown number, and blocked number. No such steps are taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references at the mobile station for reasons stated above.

Claim 24 requires, among other features, a mobile station having means for identifying a calling party and selecting a message response from the group of message

responses in response to the identity of the calling party. No such feature is taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references at the mobile station as discussed above with reference to claim 1.

Claims 25 to 27 and 40 depend from claim 24 and therefore define patentably over Brennan et al., Higuchi et al., Chelliah et al. or any proper combination of these references for at least the reasons presented above with reference to claim 24.

In addition, claim 25 further limits claim 24 by requiring that the mobile station further include indicators selected from the group including audible indicators, vibrator indicators, and a visual display indicators and that message responses include responses selected from the group including using an indicator to alert, not using an indicator to alert, responding with a busy signal, not alerting and recording the message, and forwarding the call to another telephone. No such combination is taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references at the mobile station in the combination as claimed

Claim 26 further limits claim 24 by requiring that the stored message response group be a message response group selected from a plurality of stored message response groups. No such feature is taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references at the mobile station either alone or in the combination as claimed.

Claim 27 further limits claim 26 by requiring that the mobile station further include a switch and that the message response group stored in memory be selected in response to factors including the time of day, communication activity level, and manual selection using the switch. No such features are taught or suggested by Brennen et al.,

Higuchi et al., Chelliah et al. or any proper combination of these references at the mobile station either alone or in the combination as claimed.

Claim 39 further limits claim 24 by requiring that the wireless communication network provide Caller ID services and that the mobile station identify the calling party using the Caller ID services provided by the wireless communications network. No such feature is taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references at the mobile station in the combination as claimed.

Claim 40 further limits claim 24 by requiring that the mobile station software application identify a calling party from factors including the complete phone number, local area exchange, area code, unknown number, and blocked number. No such feature is taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references at the mobile station in the combination as claimed.

Claim 41 requires at least one mobile station having a wireless communications port to accept calls and a remote site having a wireless communication port, a microprocessor, a software application of machine executable instructions, and a memory including a group of message responses, the remote site selecting a message response from the group of message responses in response to the identity of the calling party, and the remote site communicating the selected response to the mobile station. No such feature is taught or suggested by Brennen et al., Higuchi et al., Chelliah et al. or any proper combination of these references at the mobile station in the combination as claimed.

Claim 44 includes the features of claims 24 and 33, claim 33 having been indicated to be allowable in combination with the claims from which it depends. Also, the arguments presented above with reference to claim 24 are incorporated by reference.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,



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